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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS
LITIGATION

This Document Relates to: All Cases

X

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161
and CV 97-461)

MEMORANDUM & ORDER

FILED

IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ AUG 01 2011 ★

KORMAN, J.

BROOKLYN OFFICE

On February 5, 2001, following my approval of the Special Master's Proposed Plan of Allocation and Distribution of Settlement Proceeds and my adoption of procedures to govern the claims distribution process for the five settlement classes, I adopted the Rules Governing the Claims Resolution Process (CRT Rules). Since that time, I have amended these Rules as necessary for the administration of the Deposited Assets Class claims process. I do so now, at the close of the claims process, to streamline the process for appeals.

Article 30 of the CRT generally provides claimants with the right to appeal decisions within ninety (90) days of the date of the letter accompanying the decision. Claimants are informed that they are to direct their appeal to the CRT, which then forwards it to a Special Master. The CRT has advised me that only a handful of cases remain for processing, and the CRT shortly will be issuing its recommendations in these cases. I am familiar with the facts of each of the remaining cases to be processed. Accordingly, in the interest of resolving the few remaining cases and thus the CRT process in the most expeditious manner, I direct any appeals that may be filed from these remaining cases to be submitted directly to me for my review. Further, I understand that for these few remaining cases, the claimants and/or their counsel are well familiar with the facts and issues and therefore it will not be unduly burdensome to shorten the period by which an appeal must be filed. To that end, any appeals from these remaining cases must be submitted to the Court within thirty (30) days of the date of the

letter accompanying the CRT decision. The CRT letter will also set forth the mechanism for submitting such appeals, if any, to the Court.

As provided under the CRT Rules, any appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions. Any appeal which is submitted without a plausible suggestion of error shall be summarily denied.

Article 30 of the Rules also generally provides claimants with the right to request reconsideration of decisions based upon new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. The CRT has advised me, however, that in the few remaining cases, claimants and/or their counsel have supplemented their original claim submissions, often repeatedly, and often at the request of the CRT. Because claimants and/or their counsel in these cases have had the opportunity to supplement their claims, and in the interest of resolving the few remaining cases and thus the CRT process in the most expeditious manner, I direct that claimants no longer have the right to request reconsideration based upon additional documents not previously submitted to the CRT.

Accordingly, it is hereby ORDERED that for purposes of the few CRT cases remaining to be processed as of the date of this order, Article 30 of the CRT Rules is amended to provide that (1) any appeals shall be submitted directly to the Court for review; (2) such appeals, if any, shall be submitted within thirty (30) days of the date of the letter accompanying the CRT decision; and (3) given the circumstances relating to these few remaining cases, requests for reconsideration are unnecessary and will not be considered. All other provisions of Article 30 shall remain in effect.

SO ORDERED.

Brooklyn, New York
July 27, 2011

s/Edward R. Korman

Edward R. Korman
Senior United States District Judge